

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

NANCY KLOIBER,
a citizen of the State of Michigan,

Plaintiff,

and

STEFANIE KLOIBER,
a citizen of the State of Michigan,

Plaintiff,

-vs-

TYLER FRENDT,
a citizen of the State of Ohio,

Defendants.

TERRY L. COCHRAN (P35890) JEFFREY M. MUSSIN (P81032) COCHRAN, KROLL & ASSOCIATES, P.C. Attorneys for Plaintiff 32398 Five Mile Road Livonia, MI 48154 (734) 425-2400; (734) 425-7885 – fax tcochran@cochranlaw.com jmussin@cochranlaw.com	/
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COMPLAINT AND JURY DEMAND

There is no other pending or resolved civil action arising out of the
transaction or occurrence alleged in this Complaint.

NOW COMES the above-named Plaintiffs, Nancy Kloiber and Stefanie Kloiber, by and
through counsel, Cochran, Kroll & Associates, P.C. and for their Complaint and Jury Demand
against Defendant, Tyler Frendt, and states as follows:

1. Plaintiff Nancy Kloiber is a resident of the City of Farmington Hills, County of Oakland, State of Michigan.

2. Plaintiff Stefanie Kloiber is a resident of the City of Farmington Hills, County of Oakland, State of Michigan.

3. Defendant, Tyler Fendt, resides at 1432 Riverwalk Court, City of Waterville, County of Lucas, State of Ohio.

4. The amount in controversy is in excess of Seventy Five Thousand (\$75,000.00) Dollars exclusive of costs, interest and attorney's fees.

5. Jurisdiction over this matter arises as a result of diversity of citizenship between Plaintiffs Nancy Kloiber and Plaintiff Stefanie Kloiber, a resident of the State of Michigan, and Tyler Fendt, a resident of the State of Ohio.

6. On May 29, 2022, Plaintiff Stefanie Kloiber was operating a 2020 Ford Escape with VIN No. 1FMCU9G68LUA09408, and in which Plaintiff Nancy Kloiber was a passenger, on northbound I-75, near milepost 209, in the City of Toledo, County of Lucas, State of Ohio.

7. On May 29, 2022, Defendant Tyler Fendt was operating a gray 2014 Volkswagen Golf, with License No. DDA4393 and VIN No. WVWEV7AJ1AW074338, on northbound I-75, near milepost 209, in the City of Toledo, County of Lucas, State of Ohio.

8. At approximately 5:00 p.m., Defendant, Tyler Fendt, for reasons unknown, crashed into Plaintiff's vehicle injuring Plaintiff Stefanie Kloiber and Plaintiff Nancy Kloiber.

Exhibit 1 – State of Ohio Traffic Crash Report.

9. As a result of the collision, Plaintiff Stefanie Kloiber and Plaintiff Nancy Kloiber suffered serious and painful injuries requiring extensive medical care and treatment.

**COUNT I – NEGLIGENCE OF DEFENDANT TYLER FRENDT
WITH RESPECT TO PLAINTIFF STEFANIE KLOIBER**

10. At all times stated herein, Defendant, Tyler Frendt, owed Plaintiff, Stefanie Kloiber, certain common law and statutory duties to operate his motor vehicle in safe and reasonable manner and breached said duties proximately causing Plaintiff Stefanie Kloiber's serious and permanent personal injuries more fully described herein, by way of illustration and not limitation:

- a. Not to drive his motor vehicle recklessly and heedlessly in willful or wanton disregard for the safety of persons or property;
- b. Failing to drive his motor vehicle in a manner and at a rate of speed that would permit it to be stopped within an assured, clear distance;
- c. Not to drive his motor vehicle in a careless or negligent manner likely to endanger other persons or property;
- d. Not to drive his motor vehicle without due caution and circumspection or at a speed and in a manner that endangered or was likely to endanger any person or property (OLAR 4511.21);
- e. To use ordinary and reasonable care in the operation and control of his motor vehicle, in the speed at which it was driven, and in maintaining an appropriate outlook (OLAR 4511.21);
- f. To keep his motor vehicle constantly under control (OLAR 4511.34);
- g. Failing to pass a vehicle in front of him on the roadway in a reasonably safe and prudent manner (OLAR 4511.27);
- h. Failing to keep reasonable, safe, and prudent distance between his vehicle and the vehicle in front of him (OLAR 4511.34); and
- i. Failing to keep his speed under the limits on the roadway and to stop his vehicle in an assured clear distance (OLAR 4511.21).

11. As a direct and proximate result of Defendant Tyler Frendt's negligence, Plaintiff, Stefanie Kloiber, sustained serious and permanent personal injuries and non-economic damages including, by way of illustration and not limitation:

- a. Concussion;
- a. Lumbar injury;
- b. Cervical injury;
- c. Thoracic injury;
- d. Cuts and abrasions;
- d. Severe and permanent pain and suffering; and
- e. Humiliation, mortification and embarrassment.

12. As a direct and proximate result of Defendant Tyler Frendt's negligence, Plaintiff, Stefanie Kloiber, has and will continue to incur certain economic losses and damages including, by way of illustration and not limitation:

- a. Past and future medical expenses and costs for hospitalization, physicians, therapists, medical and psychological treatment;
- b. Past and future prescription medications;
- c. Past and future wage loss and loss of earning capacity; and
- d. Past and future expenses for household services and attendant care.

WHEREFORE, Plaintiff, Stefanie Kloiber, and Plaintiff, Nancy Kloiber, by and through counsel, Cochran, Kroll & Associates, P.C. respectfully demands judgment against Defendant, Tyler Frendt, in an amount in excess of Seventy Five Thousand (\$75,000.00) Dollars together with costs, interest and attorney fees.

**COUNT II – NEGLIGENCE OF DEFENDANT TYLER FRENDT
WITH RESPECT TO PLAINTIFF NANCY KLOIBER**

13. At all times stated herein, Defendant, Tyler Frendt, owed Plaintiff, Nancy Kloiber, certain common law and statutory duties to operate his motor vehicle in safe and reasonable manner and breached said duties proximately causing Plaintiff Nancy Kloiber's serious and permanent personal injuries more fully described herein, by way of illustration and not limitation:

- a. Not to drive his motor vehicle recklessly and heedlessly in willful or wanton disregard for the safety of persons or property;
- b. Failing to drive his motor vehicle in a manner and at a rate of speed that would permit it to be stopped within an assured, clear distance;
- c. Not to drive his motor vehicle in a careless or negligent manner likely to endanger other persons or property;

- d. Not to drive his motor vehicle without due caution and circumspection or at a speed and in a manner that endangered or was likely to endanger any person or property (OLAR 4511.21);
- e. To use ordinary and reasonable care in the operation and control of his motor vehicle, in the speed at which it was driven, and in maintaining an appropriate outlook (OLAR 4511.21);
- f. To keep his motor vehicle constantly under control (OLAR 4511.34);
- g. Failing to pass a vehicle in front of him on the roadway in a reasonably safe and prudent manner (OLAR 4511.27);
- h. Failing to keep reasonable, safe, and prudent distance between his vehicle and the vehicle in front of him (OLAR 4511.34); and
- j. Failing to keep his speed under the limits on the roadway and to stop his vehicle in an assured clear distance (OLAR 4511.21).

14. As a direct and proximate result of Defendant Tyler Freendt's negligence, Plaintiff, Nancy Kloiber, sustained serious and permanent personal injuries and non-economic damages including, by way of illustration and not limitation:

- a. Fracture of the Sternum;
- b. Lumbar injury;
- c. Cervical injury;
- d. Thoracic injury;
- e. Cuts and abrasions;
- d. Severe and permanent pain and suffering; and
- e. Humiliation, mortification and embarrassment.

15. As a direct and proximate result of Defendant Tyler Freendt's negligence, Plaintiff, Nancy Kloiber, has and will continue to incur certain economic losses and damages including, by way of illustration and not limitation:

- a. Past and future medical expenses and costs for hospitalization, physicians, therapists, medical and psychological treatment;
- b. Past and future prescription medications;
- c. Past and future wage loss and loss of earning capacity; and
- d. Past and future expenses for household services and attendant care.

WHEREFORE, Plaintiff, Stefanie Kloiber, and Plaintiff, Nancy Kloiber, by and through counsel, Cochran, Kroll & Associates, P.C. respectfully demands judgment against Defendant, Tyler Frendt, in an amount in excess of Seventy Five Thousand (\$75,000.00) Dollars together with costs, interest and attorney fees.

/s/Terry L. Cochran
TERRY L. COCHRAN (P35890)
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Livonia, MI 48154
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Dated: August 9, 2022

**UNITED STATES DISTRICT COURT
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NANCY KLOIBER,
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Plaintiff,

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JURY DEMAND

NOW COMES the above-named Plaintiff, Steganie Kloiber, and Plaintiff Nancy Kloiber, by and through their counsel, Cochran, Kroll & Associates, P.C. and hereby demands trial by jury of facts and issues of the above-captioned matter.

/s/Terry L. Cochran
COCHRAN, KROLL & ASSOCIATES, P.C.
BY: TERRY L. COCHRAN, P35890
Attorney for Plaintiff
32398 Five Mile Road
Livonia, Michigan 48154
(734) 425-2400

Dated: August 9, 2022